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ATTORNEYS FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FIRST INTERSTATE BANCSYSTEM, INC.
and FIRST INTERSTATE BANK,

Plaintiffs,

VS.

Case No. 21-CV-00067-NDF

DAVID HUBERT, NICOLE CHRISTENSEN,
DONOVAN MCCOMB, JAY MARTINSON,
JOHN DICK, KIMBERLEE NEWMAN, and
MYRIAH PHELPS,

Defendants.

STIPULATED MOTION TO DISMISS DUTY OF LOYALTY CLAIM

COMES NOW Plaintiffs First Interstate Bancsystem, Inc. and First Interstate Bank (collectively “FIB”), by and through their attorneys, HATHAWAY & KUNZ, LLP, and hereby request stipulate to a dismissal of the remaining claim in this matter following the Court’s entry of a summary judgment on July 15, 2022 [Doc. No. 147] and entry of its Order on *Daubert* Motions [Doc. No. 180]. In support hereof, Plaintiffs state that it waives its remaining damages claims and categories, consisting of marketing costs, wage and salary costs, and direct expenses. Based on such waiver and the Court’s prior Orders, no remaining issues exist to be tried and the parties

stipulate that a dismissal of the remaining duty of loyalty claim should be dismissed with prejudice. Such dismissal will resolve all pending matters in this matter and obviate the need for the trial currently set for April 17, 2023.

Counsel for Plaintiffs has conferred with counsel for Defendants and is informed that Defendants stipulate to the dismissal of this claim with prejudice.

WHEREFORE, Plaintiffs request that the Court dismiss the remaining claim with prejudice and vacate the trial setting in this matter.

DATED this 12th day of April, 2023.

FIRST INTERSTATE BANCSYSTEM, INC. AND
FIRST INTERSTATE BANK, PLAINTIFFS

/s/ Lucas Buckley

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April 2023, I served the foregoing *Stipulated Motion to Dismiss Duty of Loyalty Claim* via CM/ECF on the following:

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